

**Appl. No. : 09/550,545**  
**Filed : April 14, 2000**

## **REMARKS**

The Applicants thank the Examiner for his examination of the present application. By way of summary, Claims 15-19, 25-27, and 29-52 were pending in this application. In the Final Office Action mailed September 21, 2005, the Examiner rejected Claims 15-19, 25-27, and 29-52. In particular, the Examiner rejected Claims 15-19, 26-27, 29-33, 35-43, and 45-52 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,356,971 to Katz ("Katz"). In addition, the Examiner rejected Claims 25, 34, and 44 under 35 U.S.C. § 103(a) as being unpatentable over Katz in further view of U.S. Patent No. 5,831,631 to Johnston ("Johnson").

This Amendment amends Claims 15, 29, 37 and 45 and adds Claims 53-62. Thus, after entry of this Amendment, Claims 15-19, 25-27, and 29-62 remain pending.

### **A. REJECTION OF CLAIMS 15-19, 26-27, 29-33, AND 45-52 UNDER 35 U.S.C. § 102**

The Examiner rejected Claims 15-19, 26-27, 29-33, and 45-52 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,356,971 to Katz ("Katz"). In view of the arguments above and the following discussion, Applicants respectfully traverse this rejection and the Examiner's characterization of the cited reference. Moreover, Applicants respectfully submit that the claims as originally pending are patentably distinguished over Katz. Claims 15, 29, 37, and 45, however, have been amended without altering their scope in order to clarify the features of Applicants' inventions. These claim amendments are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Applicants therefore respectfully submit that Claims 15-19, 26-27, 29-33, and 45-52 are patentably distinguished over the cited reference and Applicants respectfully request allowance of Claims 15-19, 26-27, 29-33, and 45-52.

#### **1. Independent Claim 15**

With respect to Claim 15, the Examiner argues that Katz discloses all of the elements of Claim 15. Applicants respectfully disagree. Katz does not disclose music item classifications, but merely discloses categorization of CDs based on the storage device on which they are stored. Accordingly, Katz does not disclose "a memory comprising a plurality of nodes indicating music item classifications," "an output device operative to display a hierarchical graphical library tree, the hierarchical graphical library tree graphically depicting the nodes, one or more of the nodes in the hierarchical graphical library tree having a plurality of children nodes that relate to the node

**Appl. No.** : **09/550,545**  
**Filed** : **April 14, 2000**

and/or one or more music track(s), each node in the plurality of nodes being represented by either a graphical image or text,” “or the output device having a graphical display indicating (a) a child node of the plurality of children nodes in the hierarchical graphical library tree, and/or (b) the music track information related to the child node, the child node and/or the music track information being operative to be movable or copyable from a first location where the child node and/or music track information indicates an association with one of the plurality of nodes in the hierarchical graphical library tree to a second location where the child node and/or music track information indicates an association with another of the plurality of nodes in the hierarchical graphical library tree and the moving or copying is operative to be performed in response to a signal from the input device used to indicate a move or a copy of the child node and/or the music track from the first location to the second location using the hierarchical graphical library tree.”

Thus, Applicants respectfully submit that Katz fails to disclose the claimed subject matter of Claim 15, including each element of Claim 15, and Applicants respectfully request that the rejection of Claim 15 be withdrawn.

**2. Dependent Claims 16-19 and 26-27**

Claims 16-19 and 26-27, which depend from independent Claim 15 and include all the limitations of Claim 15, are believed to be patentable for the same reasons stated above with respect to Claim 15 and because of the additional limitations set forth therein. Since Katz fails to disclose every element of Claims 16-19 and 26-27, Applicants respectfully request that the rejection of Claims 16-19 and 26-27 be withdrawn.

**3. Independent Claim 29**

With respect to Claim 29, the Examiner argues that Katz discloses all of the elements of Claim 29 referring to the arguments made with respect to Claim 15. Applicants respectfully disagree. As set forth above, Katz does not disclose music item classifications, but merely discloses categorization of CDs based on the storage device on which they are stored. Accordingly, Katz does not disclose “indicating music item classifications with a plurality of nodes with the output device,” “displaying the nodes on the output device with a hierarchical graphical library tree,” “displaying adjacent one or more of the nodes in the hierarchical graphical library tree a plurality of children nodes that relate to the node and/or one or more music track(s),” “displaying at a location on the output device each node in the plurality of nodes with

**Appl. No. : 09/550,545**  
**Filed : April 14, 2000**

either a graphical image or text symbols,” “displaying on the output device one of the children nodes in the plurality of children nodes in the hierarchical graphical library tree, and/or the music track information related to at least one of the children node,” or “moving or copying one of the children node(s) and/or music track information from a first location on the output device where at least one of the children node(s) and/or music track information indicates an association with one of the plurality of nodes in the hierarchical graphical library tree to a second location where the at least one of the children node(s) and/or music track information indicates an association with another of the plurality of nodes in the hierarchical graphical library tree, in response to a signal from an input device used to indicate a move or a copy of the at least one of the children node(s) and/or the music track information from the first location to the second location using the hierarchical graphical library tree.”

Thus, Applicants respectfully submit that Katz fails to disclose the claimed subject matter of Claim 29, including each element of Claim 29, and Applicants respectfully request that the rejection of Claim 29 be withdrawn.

**4. Dependent Claims 30-33 and 35-36**

Claims 30-33 and 35-36, which depend from independent Claim 29 and include all the limitations of Claim 29, are believed to be patentable for the same reasons stated above with respect to Claim 29 and because of the additional limitations set forth therein. Since Katz fails to disclose every element of Claims 30-33 and 35-36, Applicants respectfully request that the rejection of Claims 30-33 and 35-36 be withdrawn.

**5. Independent Claim 37**

With respect to Claim 37, the Examiner argues that Katz discloses all of the elements of Claim 37 referring to the arguments made with respect to Claim 37 as well as additional arguments. Applicants respectfully disagree. As set forth above, Katz does not disclose music item classifications, but merely discloses categorization of CDs based on the storage device on which they are stored. Accordingly, Katz does not disclose “computer readable program code for causing said client electronic device to display on said client electronic device music item classifications with a plurality of nodes using either a graphical image or text symbols,” “computer readable program code for causing said client electronic device to display on said client electronic device with a hierarchical graphical library tree the plurality of nodes and a

**Appl. No.** : **09/550,545**  
**Filed** : **April 14, 2000**

plurality of children nodes, wherein at least one of the plurality of children nodes relates to at least one music track accessible by the client electronic device and a placement of each of the plurality of children nodes within the hierarchical graphical library tree indicates an association with one of the plurality of nodes,” “computer readable program code for causing said client electronic device to move or copy the display of at least one of the plurality of children nodes or at least one music track from a first location, where the at least one of the plurality of children nodes or the at least one music track indicates an association with one of the plurality of nodes in the hierarchical graphical library tree, to a second location where the at least one of the plurality of children nodes or the at least one music track indicates an association with another of the plurality of nodes in the hierarchical graphical library tree, the moving or copying being performed in response to a signal from an input device used to indicate a move or a copy of the at least one of the plurality of children nodes or the at least one music track from the first location to the second location using the hierarchical graphical library tree.”

Thus, Applicants respectfully submit that Katz fails to disclose the claimed subject matter of Claim 37, including each element of Claim 37, and Applicants respectfully request that the rejection of Claim 37 be withdrawn.

**6. Dependent Claims 38-43**

Claims 38-43, which depend from independent Claim 37 and include all the limitations of Claim 37, are believed to be patentable for the same reasons stated above with respect to Claim 37 and because of the additional limitations set forth therein. Since Katz fails to disclose every element of Claims 38-43, Applicants respectfully request that the rejection of Claims 38-43 be withdrawn.

**7. Independent Claim 45**

With respect to Claim 37, the Examiner argues that Katz discloses all of the elements of Claim 37 referring to the arguments made with respect to Claim 37 as well as additional arguments. Applicants respectfully disagree. As set forth above, Katz does not disclose music item classifications, but merely discloses categorization of CDs based on the storage device on which they are stored. Accordingly, Katz does not disclose “computer readable program code for causing said client electronic device to display on said client electronic device music item classifications with a plurality of nodes using either a graphical image or text symbols,”

Appl. No. : 09/550,545  
Filed : April 14, 2000

“computer readable program code for causing said client electronic device to display on said client electronic device with a hierarchical graphical library tree the plurality of nodes and a plurality of children nodes, wherein each of the plurality of children nodes relates to one or more music track(s) accessible by the client electronic device and a placement of each of the plurality of children nodes within the hierarchical graphical library tree indicates an association with one of the plurality of nodes,” “computer readable program code for causing said client electronic device to receive a signal indicating selection of a first child node of the plurality of children nodes using the hierarchical graphical library tree and to display on said client electronic device, upon selection of the first child node of the plurality of children nodes using the hierarchical graphical library tree, one or more music track(s) associated with the first child node of the plurality of children nodes and accessible by the client electronic device,” computer readable program code for causing said client electronic device to change the association of at least one of the one or more music track(s) from a first child node of the plurality of children nodes to a second child node of the plurality of children nodes,” “computer readable program code for causing said client electronic device to receive a signal indicating selection of the second child node of a plurality of children nodes using the hierarchical graphical library tree and to display on said client electronic device, upon selection of the second child node of the plurality of children nodes using the hierarchical graphical library tree, the at least one of the one or more music track(s),” or “computer readable program code for receiving a signal indication of a selection of one of the one or more music track(s) the nodes and for causing the music track corresponding to the selected node to be rendered when the track is selected.”

Thus, Applicants respectfully submit that Katz fails to disclose the claimed subject matter of Claim 45, including each element of Claim 45, and Applicants respectfully request that the rejection of Claim 45 be withdrawn.

**8. Dependent Claims 46-52**

Claims 46-52, which depend from independent Claim 45 and include all the limitations of Claim 45, are believed to be patentable for the same reasons stated above with respect to Claim 45 and because of the additional limitations set forth therein. Since Katz fails to disclose every element of Claims 46-52, Applicants respectfully request that the rejection of Claims 46-52 be withdrawn.

**B. REJECTION OF CLAIMS 25, 34, AND 44 UNDER 35 U.S.C. § 103**

The Examiner rejected Claims 25, 34, and 44 under 35 U.S.C. § 103(a) as being unpatentable over Katz in further view of U.S. Patent No. 5,831,631 to Johnston ("Johnson"). In view of the arguments above and the following discussion, Applicants respectfully traverse this rejection and the Examiner's characterization of the cited references because Katz, alone or in combination with Johnson, fails to teach or suggest the elements of the claims. See M.P.E.P. § 2143 (stating that in order to establish a *prima facie* case of obviousness for a claim, the prior art references must teach or suggest all the claim limitations). Thus, to sustain the foregoing rejections of Claims 25, 34, and 44, Katz alone or in combination with Johnson, must identically teach or suggest every element of Claims 25, 34, and 44, which it does not.

**1. Dependent Claim 25**

Claim 25, which depends from independent Claim 15 and includes all the limitations of Claim 15, is believed to be patentable for the same reasons stated above with respect to Claim 15 and because of the additional limitations set forth therein. The Examiner admits that Katz does not disclose "wherein the child node is movable by selecting and dragging the child node." The Examiner also states that "the dragging and dropping of such icons, which correspond to nodes in the tree, was known in the art at the time of invention." In the section cited by the Examiner, however, Johnson merely discloses the following:

In order to eject a disk which is mounted on the computer, the user must issue a suitable software command. Referring to FIG. 3A, when a storage volume is mounted on the computer, an icon is displayed to indicate the fact that the storage volume can be accessed from the computer. For example, the icon might be displayed within a file management utility, or on the desktop 24 of the computer's graphical user interface. FIG. 3A illustrates an example of a desktop for a computer having two mounted storage volumes, namely a hard disk and a CD-ROM, as depicted by the icons 26 and 28, respectively. For any storage volume which is removable, such as the CD-ROM, the user can perform a drag-and-drop operation to cause it to be ejected. For example, as illustrated in FIG. 3A, the icon for the CD-ROM can be dragged onto a trash icon 30 and released. When this happens, the operating system responds by unmounting the CD-ROM, and then issuing a command to open the drawer. Alternatively, as illustrated in FIG. 3B, the user might select the icon 28 for the CD-ROM, and then chose an eject command from a pull-down menu 32.

**Appl. No.** : **09/550,545**  
**Filed** : **April 14, 2000**

(Col. 4, lns. 43-62). Thus, Johnson does not disclose “wherein the child node is movable by selecting and dragging the child node in the hierarchical graphical library tree.”

Since Katz, alone or in combination with Johnson, fails to disclose every element of Claim 25, Applicants respectfully request that the rejection of Claim 25 be withdrawn.

**2. Dependent Claim 34**

Claim 34, which depends from independent Claim 29 and includes all the limitations of Claim 29, is believed to be patentable for the same reasons stated above with respect to Claim 29 and because of the additional limitations set forth therein. In addition, the Examiner rejected Claim 34 based on the arguments as to Claim 25. As set forth above, Applicants respectfully submit that Johnson does not disclose “wherein the child node is movable by selecting and dragging the child node in the hierarchical graphical library tree.”

Since Katz, alone or in combination with Johnson, fails to disclose every element of Claim 34, Applicants respectfully request that the rejection of Claim 34 be withdrawn.

**3. Dependent Claim 44**

Claim 44, which depends from independent Claim 43 and includes all the limitations of Claim 43, is believed to be patentable for the same reasons stated above with respect to Claim 43 and because of the additional limitations set forth therein. In addition, the Examiner rejected Claim 44 based on the arguments as to Claim 25. As set forth above, Applicants respectfully submit that Johnson does not disclose “wherein the child node is movable by selecting and dragging the child node in the hierarchical graphical library tree.”

Since Katz, alone or in combination with Johnson, fails to disclose every element of Claim 44, Applicants respectfully request that the rejection of Claim 44 be withdrawn.

**C. NEW CLAIMS**

New Claims 53-62 have been added to more fully define the Applicants’ invention and are believed to be fully distinguished over the prior art of record. Claim 53, which depends from Claim 46 and includes all the limitations of Claim 46, is believed to be patentable for the same reasons stated above with respect to Claim 46 and because of the additional limitations set forth therein. Claims 54-57, which depend from independent Claim 15 and include all the limitations of Claim 15, are believed to be patentable for the same reasons stated above with respect to Claim 15 and because of the additional limitations set forth therein. Claims 58-59, which depend

**Appl. No.** : **09/550,545**  
**Filed** : **April 14, 2000**

from independent Claim 29 and include all the limitations of Claim 29, are believed to be patentable for the same reasons stated above with respect to Claim 29 and because of the additional limitations set forth therein. Claim 60-61, which depend from independent Claim 37 and include all the limitations of Claim 37, are believed to be patentable for the same reasons stated above with respect to Claim 37 and because of the additional limitations set forth therein. Claim 62, which depends from independent Claim 45 and includes all the limitations of Claim 45, is believed to be patentable for the same reasons stated above with respect to Claim 45 and because of the additional limitations set forth therein.

Accordingly, Applicants request that the Examiner pass Claims 53-62 to allowance.

**D. SUPPLEMENTAL IDS**

The Applicants submit herewith a Supplemental Information Disclosure Statement providing references which came to the Applicants' attention. While the Applicants do not believe that these references will affect the patentability of the pending claims, the Applicants respectfully request the consideration of the same.

**E. REQUEST FOR TELEPHONE INTERVIEW**

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicants' undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicants' attorney can be reached at (949) 721-7603 or at the number listed below.



Appl. No. : 09/550,545  
Filed : April 14, 2000

F. CONCLUSION

In view of the forgoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Nov. 21, 2005

By: Amy Christensen  
Amy C. Christensen  
Registration No. 52,742  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

2062009  
111005